

## **503 KAR 5:130. Base salaries and undue hardship.**

RELATES TO: KRS 95.960

STATUTORY AUTHORITY: KRS 95.960

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95.960 requires the Justice Cabinet to reimburse cities, urban counties, or charter counties with ten (10) or fewer police officers for their base salaries while the officers are in training if the governmental unit can show undue hardship. This administrative regulation defines "base salaries" and "undue hardship."

Section 1. Definitions. (1) For purposes of this administrative regulation the term "base salary" shall mean the gross total salary, excluding overtime, that is subject to federal and state withholding tax of a regular full-time police officer but shall not include any monetary or nonmonetary benefits paid or provided by the employer over and above the total gross salary.

(2) For purposes of this administrative regulation the term "undue financial hardship" means the expenditure of additional financial funds by the city, the urban county or charter county government, referred to in this administrative regulation as governmental unit, with regular police departments of ten (10) or fewer officers that require the governmental unit to pay actual funds for replacement of officers during the specific training required by KRS 95.960.

Section 2. The actual funds expended shall be over and above the budgeted resources of the governmental unit based on the actual revenue available to the governmental unit. In order to determine if the governmental unit falls under this category, the Justice Cabinet shall request: the actual approved budget of the governmental unit for that current and the preceding year, the number of officers and the timing of each officer's training for the current and preceding year, the actual revenue receipts of the governmental unit for that current and the preceding year, and a detailed explanation of why the governmental unit cannot meet the cost of providing the training. In no event shall any actual funds be paid out until the Justice Cabinet has acquired documented costs of reimbursement of the actual extra funds expended by the governmental unit in order to comply with the requirements of KRS 95.960. (19 Ky.R. 2756; Am. 20 Ky.R. 307; eff. 8-6-93.)